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| APPLICATION NO. | FILING DATE | FIRST NAMED INVENTOR | ATTORNEY DOCKET NO. | CONFIRMATION NO. |
|-----------------|-------------|----------------------|---------------------|------------------|
| 09/476,935 | 12/30/1999 | Brian A. Weston | 3524/5 | 8513 |

29858 7590 04/07/2005

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EXAMINER

KYLE, CHARLES R

ART UNIT

PAPER NUMBER

3624

DATE MAILED: 04/07/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

09/476,935

Applicant(s)

WESTON ET AL.

Examiner

Charles R Kyle

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 27 December 2004.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1,7,9-11,19,21 and 24-26 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1,7,9-11,19,21 and 24-26 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date _____.
- 4) ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____.
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: _____.

DETAILED ACTION

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent *May* not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Claims 1, 7, 11, 21, 24 and 26 are rejected under 35 U.S.C. 103(a) as being unpatentable over US 5,787,402 *Potter et al* in view of US 5,924,083 *Silverman*, already of record

Concerning Claim 1, *Potter et al* disclose the invention substantially as claimed, including:

In a system for conducting electronic trading of foreign exchange forwards (col. 9, lines 1-52; fig. 5, element 319; fig. 8);

a central server for tracking currency trades (col. 4, line 62 to col. 5, line 2; fig. 1, element 100);

a plurality of trading workstations (col. 3, lines 13-63; fig. 1, ele.10);

at least one remote server interfacing the trading workstations to the central server,

wherein the at least one remote server mediates the currency trades between traders using the workstations by consulting pre-set trading configurations associated with each trader (col. 5, lines 38-41; fig. 2, ele. 124; col. 10, lines 24-40).

Potter et al do not specifically disclose trading configurations settable by a first trader with respect to another trader and when set automatically expiring after a

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predetermined time period. *Silverman* discloses receiving trading configurations from traders using respective work stations including receiving from a first trader at least one restriction settable by a first trader with respect to at least one trader (Col. 4, line 57 to Col. 5, line 37) and when set automatically expiring after a predetermined time period (a time period during which a trader has insufficient credit to deal with a first trader expiring when his/her credit increases to a sufficient amount to trade with a previously blocked trader, Col. 6, lines 11-26). It would have been obvious to one of ordinary skill in the art at the time of the invention to modify *Potter* with the expiration of restriction when a trader regains sufficient credit to meet another's criteria disclosed by *Silverman* to maintain up-to-date, broadest market display.

The Examiner notes that the period of time after which a restriction expires in *Silverman* is at least as specifically predetermined as that of Applicant's invention, the Specification of which states that the predetermined period can be "until the end of the business day"; see page 31 of Applicants' Specification.

Concerning Claim 7, see the discussion of Claim 1 above and *Silverman* further discloses filter settings corresponding to a filter criterion (a credit limit) which includes temporary restriction (restriction/blocking until sufficient credit becomes available to trade again), which restriction is used to block trades from the view of other traders, at Col. 4, line 49 to Col. 6, line 46. It would have been obvious to one of ordinary skill in the art at the time of the invention to have included filtering for temporary restriction on a trader as taught by *Silverman* in a combination with the invention disclosed by *Potter et al* because this would have provided

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traders with information relevant to their trading efforts while excluding information display from credit-ineligible counter parties.

As to Claim 11, *Potter et al* disclose the invention substantially as claimed, including:

In a method for conducting electronic trading of foreign exchange forwards (col. 9, lines 1-52; fig. 5, element 319; fig. 8);

receiving currency trades for foreign exchange forwards using a plurality of trading workstations for (col. 3, lines 13-63; fig. 1, ele.10);

tracking currency trades in a central server for (col. 4, line 62 to col. 5, line 2; fig. 1, element 100);

mediating the currency trades between traders using at least one remote server interfacing the trading workstations of respective traders to the central server, wherein the at least one remote server consults pre-set trading configurations associated with each trader (col. 5, lines 38-41; fig. 2, ele. 124; col. 10, lines 24-40).

Potter et al do not specifically disclose the newly claimed limitations of receiving trading configurations from traders using respective work stations including receiving from a first trader at least one restriction settable by a first trader with respect to at least one trader and when set automatically expiring after a predetermined time period. or temporary blocking based on restriction. *Silverman* discloses receiving trading configurations from traders using respective work stations including receiving from a

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first trader at least one restriction settable by a first trader with respect to at least one trader (Col. 4, line 57 to Col. 5, line 37) and when set automatically expiring after a predetermined time period (a time period during which a trader has insufficient credit to deal with a first trader expiring when his/her credit increases to a sufficient amount to trade with a previously blocked trader, Col. 6, lines 11-26). *Silverman* further discloses temporarily blocking and restricting from view trading information from traders under temporary restriction as the keystation display which shows varying orders depending on updated credit information (Col. 5, line 48 to Col. 6, line 26). It would have been obvious to one of ordinary skill in the art at the time of the invention to modify *Potter et al* with the restriction/blocking features of *Silverman* because this would have spared traders from dealing with other traders who were over-extended or credit risks. Expiration of restriction and unblocking when a trader regains sufficient credit to meet another's criteria would be obvious to maintain an up-to-date, broadest market display.

As to Claim 21, see the discussion of Claims 1, 7 and 11 above.

Concerning Claim 24, see the discussion of Claims 1, 7 and 11 above.

Concerning Claim 26, see the discussions of Claims 1, 7 and 9 above.

Claim 25 is rejected under 35 U.S.C. 103(a) as being unpatentable over US 5,787,402 *Potter et al* in view of US 5,924,083 *Silverman* and further in view of US 6,014,644 *Erickson*.

Regarding Claim 25, *Potter et al* discloses the invention substantially as claimed. See the discussion of Claims 1 and 11 above. *Potter* does not specifically disclose in a remote server a database listing a set of other traders from which a trader *May* select a subset to whom he or she conveys a request-for-quote (RFQ) transmission. *Erickson* discloses a database in a remote server at Fig. 3A, elements 44 and 60 and the selection of other traders from that database for RFQs at Abstract; col. 3, lines 13-51; col. 8, lines 28-38; col. 10, lines 32-40; col. 14, lines 41-55 and col. 16, lines 34-42. It would have been obvious to one of ordinary skill in the art at the time of the invention to have included the trader database in a remote server usable to select a subset of traders for conveyance of an RFQ as disclosed by *Erickson* in combination with *Potter et al* because this would have allowed a trader to direct requests-for-quotes to those other traders deemed mostly likely to successfully complete trades.

Claims 9-10 and 19 are rejected under 35 U.S.C. 103(a) as being unpatentable over US 5,787,402 *Potter et al* in view of US 5,924,083 *Silverman* and further in view of *Cooke*.

Regarding Claims 9 and 19, *Potter et al* discloses the invention substantially as claimed. See the discussion of Claims 1 and 11 above. Further, *Potter et al* disclose the use of telephones providing voice-based trading functionality at col. 2, lines 17-58, although they emphasize the electronic trading aspect of their invention. *Cooke*, however, discloses this voice-based trading functionality at page 4, fourth full paragraph and discloses its desirability. It would have been obvious to one of ordinary skill in the art at the time of the invention to have

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included the telephone-based trading functionality disclosed by *Cooke* in combination with *Potter et al* because, as specifically stated by *Cooke*:

The old world of voice brokering is rapidly being transformed rather than disappearing. Even in spot forex, where electronic brokers offer direct competition, it is doubtful that voice brokers will entirely disappear. For one thing, the electronic brokers don't want them to. Voice brokers add flexibility, thus contributing to liquidity. And although the banks themselves participate in EBS, it is not in the interest of their dealers to have the market dominated by one system.

As to Claim 10, see the discussion of Claims 7 and 9 above. *Potter et al* do not show a plurality of trading workstations, groups and remote servers, although as noted in the treatment of the claims above these elements are disclosed. It would have been obvious to one of ordinary skill in the art at the time of the invention to provide pluralities of functional elements in a system for the electronic trading of currency exchange forwards since it has been held that duplicating a part for a multiple effect is obvious. *In re Harza*, 274.F.2d 669, 671, 124 USPQ 378, 380 (CCPA 1960).

Response to Arguments

Applicant's arguments with respect to the claims have been considered but are moot in view of the new ground(s) of rejection.

Conclusion

Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire **THREE MONTHS** from the mailing date of this action. In the event a first reply is filed within **TWO MONTHS** of the mailing date of this final action and the advisory action is not mailed until after the end of the **THREE-MONTH** shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than **SIX MONTHS** from the date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Charles R Kyle whose telephone number is (703) 305-4458. The examiner can normally be reached on M-F 6:00-2:30.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Vincent A Millin can be reached on (703) 308-1065. The fax phone number for the organization where this application or proceeding is assigned is 703-305-7687.

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Information regarding the status of an application *May* be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications *May* be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

crk
April 1, 2005

Examiner Charles Kyle

A handwritten signature in cursive script that reads "Charles Kyle".